

### **REMARKS**

Reconsideration of the present application is requested. Claims 1, 2, 18 and 19 have been amended. Claims 1-26 are pending.

### **ALLOWABLE SUBJECT MATTER**

Applicants appreciate the indication of allowable subject matter set forth in claims 6, 7, 11-15, 17 and 23.

### **COMMENTS ON PERSONAL INTERVIEW**

Applicants appreciate the Examiner's time in conducting a personal interview with Applicants and Applicant's Representative (hereinafter "Applicants") on May 14, 2007. To ensure a complete and proper record of the May 14, 2007 Interview, Applicants provide the following comments in response to the May 14, 2007 Interview Summary.

- 1) As indicated in the Interview Summary, Applicants presented an actual prototype of an example embodiment of a medical lancet.
- 2) Applicants and the Examiner discussed claims 1 and 18.
- 3) U.S. Patent No. 4,924,865 ("Bays") was discussed during the Interview.
- 4) Applicants presented proposed amendments to claims 1 and 18 during the Interview. The proposed amendments are the same as those filed in this Amendment. As indicated in the Interview Summary, Applicants and the Examiner agreed that the proposed amendments would overcome the prior art rejection in view of Bays.
- 5) Applicants argued that Bays fails to teach or fairly suggest at least, "a first ascending region having a sharp point," integrally formed of biodegradable material, as required by claim 1, for example.
- 6) No other arguments regarding the patentability of the claims were presented during the Interview.

7) An agreement that the amendments made herein would overcome the current rejection was reached.

As noted above, the foregoing remarks are provided so as to ensure a complete and proper recordation of the substance of the May 14, 2007 Interview.

**REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicants have amended claim 2 taking into account the Examiner's comments. Applicants have also made a similar amendment to claim 19. Withdrawal of this rejection is requested.

**PRIOR ART REJECTIONS**

**REJECTION UNDER 35 U.S.C. § 103(A)**

Claims 1, 3-5, 8-10, 16, 18-22 and 24-26 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,924,865 ("Bays"). This rejection is respectfully traversed, especially in view of claims 1 and 18 as amended.

As discussed above, the Examiner and Applicants agreed during the May 14, 2007 personal interview that Bays fails to teach or fairly suggest at least, "a first ascending region having a sharp point," integrally formed of biodegradable material, as required by claim 1.

Bays discloses a repair tack 10 including a needle 30 with a sharp end 31 made of stainless steel.<sup>1</sup> Bays discloses a repair tack 10 including a

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<sup>1</sup> See, e.g., Bays at col. 5, lines 31-32.

stainless steel needle 30 extending through an applicator 20. During a surgical procedure, the needle 30 is used to penetrate hard or solid tissue through the applicator 20. Afterward, however, the steel needle 30 must be removed through the applicator 20, while the tack 10 remains in the patient. As the Examiner will appreciate, the steel needle 30 is not "a sharp point," integrally formed of biodegradable material, as required by claim 1.

Moreover, the medical lancet of claim 1 is not obvious from the teachings of Bays. As discussed above, the repair tack 10 of Bays includes a stainless steel needle 30 extending through an applicator 20. The needle 30 penetrates hard or solid tissue through the applicator 20, but then removed through the applicator 20, while the tack 10 remains in the patient. The removable stainless steel needle 30 and the applicator 20 through which the needle 30 is removed are essential to Bays' repair tack because without these features, the repair tack would not be capable of penetrating through hard or solid tissue during a surgical procedure and remaining in the body of the patient after the surgical procedure. Accordingly, modifying the repair tack of Bays to include "a sharp point," integrally formed of biodegradable material, as required by claim 1, would not have been obvious to one of ordinary skill at the time the invention was made.

For at least the foregoing reasons, claim 1 is patentable over Bays.

Claim 18 is patentable over Bays for at least somewhat similar reasons.

Claims 3-5, 8-10, 16, 19-22 and 24-26 are patentable over Bays at least by virtue of their dependency from claims 1 or 18.

## **CONCLUSION**

In view of the foregoing remarks, favorable reconsideration and allowance of the present application is requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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